

## REMARKS

Upon entry of the present amendment claims 1-22 are pending in the application. Claims 1, 16, and 22 have been amended in accordance with the requirements of U.S. patent practice.

Amendments to the claims, as set forth above, are made in order to streamline prosecution in this case by limiting examination and argument to certain claimed embodiments that presently are considered to be of immediate commercial significance. Amendment or cancellation of the claims is not in any manner intended to, and should not be construed to, waive Applicants' right in the future to seek such unamended or cancelled subject matter, or similar matter (whether in equivalent, broader, or narrower form) in the present application, and any continuation, divisional, continuation-in-part, RCE, or any other application claiming priority to or through the present application, nor in any manner to indicate an intention, expressed or implied, to surrender any equivalent to the claims as pending after such amendments or cancellations.

**1. Requirement for a drawing under 37 C.F.R. §1.81(c).**

Drawings are attached under 37 C.F.R. §1.81(c). Each drawing sheet is labeled "New Sheet" pursuant to 37 C.F.R. §1.121(d). A "Brief Description of the Drawings" section is added by amendment, and the specification is amended to make reference to the drawings as set forth above. The elements in the drawings are given the capital letter and alphanumeric designations present in the specification.

**2. Objection to the specification under 37 C.F.R. §1.75(d)(1) as failing to provide antecedent basis for the claimed subject matter.**

The Office alleges that the Applicant has not specifically described the composition of the protective sheet (S) claimed in claims 1-22, and the Applicant is encouraged to supply the generic name and ingredients for said protective sheet.

Applicants appreciate the detailed basis of this rejection, but must respectfully disagree. The composition of the protective sheets (S) is described on p. 16, l. 21 to p. 17, l. 4 in the application as filed. As described in the cited passage, the protective sheets (S) are constructed from at least one core layer (KNS) comprising at least one homopolymer or copolymers,

preferably selected from the group consisting of polyethylene, polypropylene, ethylene copolymers, propylene copolymers, and ethylene-propylene copolymers. Furthermore, the protective sheet GH-X 527 from Bischof & Klein, Lengerich, Germany is fully described in terms of its physical properties in Table I, p. 21 of the Application as filed.

Applicants respectfully request withdrawal of this objection to the specification in view of the foregoing remarks.

3. **Rejection of claims 1-4, 6-7, 12-13, 17-22 under 35 U.S.C. §102(b) as being anticipated by Königer et al. (WIPO International Publication WO 00/63015, whose English equivalent is Königer et al. (U.S. Patent No. 6,777,089 B1), hereafter "Königer". Derwent Publication 2007-573919 (Disclosing abstract of DE 102005053661 A1 by Austrup et al.), hereafter "Austrup", is relied on as evidence of inherency.**

Königer generally discloses a radiation-curable composite layered sheet or film comprising an outer layer, which is a radiation curable composition having a glass transition temperature of more than 40°C; an optional thermoplastic interlayer; an optional coloring layer; a substrate layer; and an optional adhesive layer (Abstract and col. 5, ll. 20-31). Applied to the transparent outer layer there may be a protective layer, e.g. a removable film, which prevents unintended curing (col. 5, ll. 32-38). The protective layer may be composed of polyethylene, or polyterephthalate (col. 5, ll. 35-38).

Königer does not teach that the protective layer has (s.1) a storage modulus  $E'$  of at least  $10^7$  Pa in the temperature range from room temperature to 100°C, (s.2) an elongation at break >300% at 23°C longitudinally and transversely to the preferential direction produced by means of directed production processes in the production of (S), (s.3) a transmittance >70% for UV radiation and visible light with a wavelength of from 230 to 600 nm for a film thickness of 50  $\mu\text{m}$ .

Königer also does not teach that the protective sheet imparts to the coating (B)-facing side (S.1) of the protective sheet (S) (s.1.1) a hardness <0.06 GPa at 23°C and (s.1.2) a roughness corresponding to an  $R_a$  value over a sampling area of 50  $\mu\text{m}^2$  of <30 nm as determined by means of atomic force microscopy (AFM).

U.S. Patent Application Publication 2009/011189 A1 is an English-language equivalent of DE 102005053661 A1 (Austrup). Applicants note that Austrup does not qualify as prior art

under §102(b). DE 102005053661 A1 was published 5/16/07 while the present Application was filed 11/9/06 (PCT file date). MPEP 1893.03(b) states "An international application designating the U.S. has two stages (international and national) with the filing date being the same in both stages." "... the legal date is the PCT international filing date.").

Austrup generally discloses a refinish sheet produced by (1) coating one side of a temporary carrier sheet (A) with at least on aqueous coating material (B) comprising at least one free-radically crosslinkable binder (B1) having a glass transition temperature of  $-70$  to  $+50^{\circ}\text{C}$ , an olefinically double bond content of 2 to 10 eq/kg, and an acid group content of 0.05 to 15 eq/kg to produce at least one resultant layer (B); and (2) drying but not curing, or only part-curing the at least one resultant layer (B) to produce at least one dried, uncured or part-cured layer (B).

Austrup teaches temporary carrier sheets (A) having a storage modulus  $E'$  of  $10^7$  to  $10^9$  Pa, a breaking elongation at  $23^{\circ}\text{C}$  of 300 to 1500% longitudinally and transversely with respect to the preferential direction generated during the product of (A), and a transmittance of  $>70\%$  for UV radiation and visible light. Austrup also teaches that the side of these sheets that face the dried, uncured, or part-cured layer(s) (B) or the coatings(s) (B) producible therefrom has a hardness of 0.005 to 0.06 GPa, and a roughness as determined by AFM that corresponds to an  $R_a$  value over a  $50\text{ }\mu\text{m}^2$  sampling area of 5 to 30 nm. The sheets are selected from the group consisting of sheets of polyethylene, polypropylene, ethylene copolymers, propylene copolymers, and ethylene-propylene copolymers.

The Office alleges:

**Essentially, applicant has disclosed the use of a well known conventional plastic as a protective sheet. Therefore if the composition of the protective sheet is**

physically the same in the prior art and applicant's disclosure, it must have the same properties. In this case, the applicant has disclosed that polyethylene can be used as the protective sheet and that the polyethylene protective sheet can have the key properties claimed in claim 1. On the other hand, applicant has cited WO 00/63015 A1 as admitted prior art and that art also discloses the use of a polyethylene protective sheet. (See column 5, lines 35-39 in 6.777.089 which is the English equivalent of WO/63015.) Both the admitted prior art and applicant's disclosure admit a composition (the protective sheet) that uses polyethylene. In sum, since the protective sheet claimed in claim 1 and the protective sheet claimed in the admitted prior art both have similar chemical compositions they must have similar properties. Thus, the properties claimed in claim 1 must be inherent.)

Examiner alleges in particular (p. 7, § 5 of Office Action) that Koniger teaches: "(claim 2) wherein the protective sheet (S) has a storage modulus  $E'$  of from  $10^7$  to  $10^8$  Pa; (claim 3) wherein the protective sheet (S) has an elongation of break of from 500 to 900%; and (claim 4) wherein the coating (B)-facing side (S.1) of the protective sheet (S) (s.1.2) has a hardness  $<0.02$  GPa." Applicants respectfully traverse because these limitations on the protective sheet cannot be found anywhere in Koniger.

In brief, the main argument of the Office Action appears to be that homo-polymers and copolymers such as polyethylene inherently have the physical characteristics claimed in Applicants' claim 1. The Office appears to rely on the properties of the temporary carrier sheets (A) recited in Austrup, which is not prior art (and not in Koniger as literally stated) to show the inherency of the properties of the protective sheet (S).

Applicants appreciate the detailed basis of rejection, but must respectfully traverse.

First, the cited combination of references fails to meet the basic requirements of an anticipation rejection. To constitute anticipation, all material elements of a claim must be found in one prior art source. *In re Marshall*, 198 U.S.P.Q. 344 (C.C.P.A. 1978). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference.

*Structural Rubber Prods. Co. v. Park Rubber Co.*, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Thus, the PTO's attempt to use a second reference is unsupportable in view of prevailing case law, especially when that reference does not qualify as prior art under 102(a).

Second, the PTO's attempt to provide an inherency based 102 anticipation rejection does not meet the standards set by caselaw. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art." *Ex parte Levy*, 17 U.S.P.Q.2d 1461 (Bd. Pat. App. & Int'f 1990). An element is inherently present when it is not specifically found in the prior device but is always present or flows naturally from what is taught there. *Levi Strauss & Co. v. Golden Trade*, 1995 WL710822\*17 (S.D. N.Y. 1995). Thus, while films of polyethylene and related polymers can have the claimed properties, it is not true that all polyethylene and related polymer films must have these properties. Therefore they are not inherent properties according to case law.

As stated in MPEP §2112 IV, "to establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted)"

The skilled person in the art is aware that polyethylene and related polymers encompass a vast array of chemical and physical property possibilities. Polymers that differ in copolymer composition, ratio of comonomers, average molecular weight, molecular weight distribution, glass transition temperature, degree of crystallinity, degree of crosslinking, and type and number of polymer additives present are possible, and are known in the art. These factors will affect storage modulus, elongation at break, and transparency of films made from polyethylene and related polymers. For example, polyethylene waxes and ethylene-propylene copolymers which are liquids are well-known polyethylene polymers and ethylene-propylene copolymers. However, neither of these materials have storage moduli and elongation at break values in the range of claim 1, if these values can be measured at all for liquids and waxes. Those of skill in the art thus readily

appreciate that the properties required in Applicants' claim 1 are not present in all polyethylene or related polymer sheets. That is, not all

MPEP §2112 IV also states “[a]n invitation to investigate is not an inherent disclosure’ where a prior art reference ‘discloses no more than a broad genus of potential applications of its discoveries.’ *Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings*, 370 F.3d 1354, 1367, 71 USPQ2d 1081, 1091 (Fed. Cir. 2004) (explaining that “[a] prior art reference that discloses a genus still does not inherently disclose all species within that broad category’ but must be examined to see if a disclosure of the claimed species has been made or whether the prior art reference merely invites further experimentation to find the species.” The disclosure of the protective layer of Koniger is at best an invitation to investigate films made of ethylene or polyethylene terephthalate to discover films with the properties that afford coatings (B) with the desired properties of hardness and surface roughness. For example, polyethylene or polyethylene terephthalate films can have a surface roughness outside of the claimed range, but the applicants have found that roughness as determined by AFM that corresponds to an  $R_a$  value over a  $50\text{ }\mu\text{m}^2$  sampling area of  $<30\text{ nm}$  is ideal for producing coatings (B) with the desired properties.

Finally, MPEP §2112 IV states that “‘In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.’ *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original)”. If the film properties of Applicants' claim 1 necessarily flowed from the disclosure of polyethylene and related polymer films, films with different properties are excluded. For example, the skilled person knows that there are polyethylene and related polymer films that are opaque, either by introduction of pigments, fillers, or UV absorbers, or due to the inherent crystallinity of polypropylene. It will therefore be recognized that films with transmittance greater than of  $>70\%$  for UV radiation and visible light do not necessarily flow from the disclosure of a polyethylene or related copolymer film.

On p. 8, §5.e., the Office further states:

e. Where the claimed and prior art products are identical in structure or composition, or are produced by identical or substantially identical processes, a prima facie case of anticipation or obviousness has been established. *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977). Additionally, "products of identical chemical composition can not have mutually exclusive properties." A chemical composition and its properties are inseparable. Therefore, if the prior art teaches the identical chemical structure, the properties applicant discloses and/or claims are necessarily present. *In re Spada*, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990). Also see MPEP 2112.01 (I and II).

Applicants appreciate the detailed basis of this additional ground of rejection, but must respectfully traverse. The protective layer of Koniger may be composed of polyethylene, or polyterephthalate. The skilled person in the art will assume that "polyethylene terephthalate" is meant by "polyterephthalate". There is no teaching of the composition in terms of ratio of ethylene to terephthalate in the copolymer, of average molecular weight, molecular weight distribution, glass transition temperature, degree of crystallinity, degree of crosslinking, and type and number of polymer additives present. There is no teaching in Koniger of any specific commercially available protective film either. Therefore there is no basis for the allegation that the protective films of Koniger, which are not fully described, are identical in chemical composition and structure to the protective sheets of Applicants' claim 1.

Koniger clearly does not teach all the elements of Applicants' claim 1. For all of the above reasons the physical property limitations of the protective sheet of claim 1 do not necessarily flow from the teachings of Koniger, and are not inherent in the protective layer of Koniger. Therefore claim 1 is not anticipated by Koniger.

Applicants appreciate the additional detailed bases of rejection for claims 2-4, 6-7, 12-13, and 17-22, but must respectfully traverse. Claims 2-4, 6-7, 12-13, and 17-20 depend from, and further limit independent claim 1. The process of claim 1 is a limitation of claim 21. Therefore these claims incorporate all the limitations of claim 1, and are therefore not anticipated by Koniger. Independent claim 22 recites the identical limitations of independent claim 1. In as

much as the same arguments made with regard to claim 1 pertain to claim 22, it is submitted that independent claim 22 is similarly not anticipated by Koniger. Reconsideration and removal of the anticipation rejections of all the claims over Koniger is respectfully requested in view of the foregoing remarks.

4. **Rejection of claims 5, 8, 14-16 under 35 U.S.C. §103(a) as being unpatentable over Koniger.**

On p. 15, § 21, the Office Action argues that claims 14-16 are obvious over Koniger:

k. Essentially, Koniger discloses that the use of the protective sheet is to protect the outer layer from unintended curing. It is well-known in many arts that when unintended curing presents a problem, for example, to polymer moldings, a protective layer should be added to said polymer molding in order to delay curing. This inference of obviousness would have been drawn from creative steps that a person of ordinary skill in that art would normally employ to optimize a polymer molding process. Time delays between the steps delineated in claim 1 would have prompted one having the ordinary skill in the art to gather the best time to remove the protective sheet from the polymer molding. It would have been obvious to use the known step of removing the protective film to control the extent of curing on the polymer moldings.

Applicants appreciate the detailed basis of the rejection, but must respectfully traverse for several reasons. First, Koniger does not teach every element of Applicants' independent claim 1, upon which claims 5, 8, 14-16 depend. Second, as discussed above, the missing elements (physical properties of protective film (S)) are not inherent in the protective films of Koniger. Third, even if the missing elements were inherent in the prior art, which is not conceded by the Applicants, the missing elements were not known at the time of the invention. Therefore they cannot form a proper basis for rejecting the claimed invention as obvious under § 103. Fourth, Koniger teaches away from independent claim 1.



To establish a prima facie case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim limitations (*CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003); *In re Royka*, 490 F.2d 981, 985 (C.C.P.A. 1974)). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings (*DyStar Textilfarben GmbH & Co. Duetschland KG v. C.H. Patrick Co.*, 464 R.3d 1356, 1360, 80, USPQ2d 1641, 1645 (Fed. Cir. 2006), (MPEP 2143 G)). Third, there must be a reasonable expectation of success *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986), (MPEP 2143.02 I).

First, Koniger does not teach all the elements of independent claim 1, which are present in the dependent claims. Specifically, Koniger does not teach that the protective layer has (s.1) a storage modulus  $E'$  of at least  $10^7$  Pa in the temperature range from room temperature to  $100^\circ\text{C}$ , (s.2) an elongation at break  $>300\%$  at  $23^\circ\text{C}$  longitudinally and transversely to the preferential direction produced by means of directed production processes in the production of (S), (s.3) a transmittance  $>70\%$  for UV radiation and visible light with a wavelength of from 230 to 600 nm for a film thickness of 50  $\mu\text{m}$ . Koniger also does not teach that the protective sheet imparts to the coating (B)-facing side (S.1) of the protective sheet (S) (s.1.1) a hardness  $<0.06$  GPa at  $23^\circ\text{C}$  and (s.1.2) a roughness corresponding to an  $R_a$  from  $50\text{ }\mu\text{m}^2 < 30\text{ nm}$  as determined by means of atomic force microscopy (AFM).

Second, as pointed out above, these physical property limitations for the protective sheet of claim 1 do not necessarily flow from the teachings of Koniger. It is not true that all polyethylene and related polymer films must have these properties. They are therefore not inherent in the protective layer of Koniger.

Third, even if these physical properties were inherent in all polyethylene and related polymers, which is not conceded, that which is inherent in the prior art, if not known at the time of the invention, cannot form a proper basis for rejecting the claimed invention as obvious under § 103:

[T]he inherency of an advantage and its obviousness are entirely different questions. That which may be inherent is not necessarily known. Obviousness cannot be predicated on what is unknown.

*In re Shetty*, 566 F.2d 81, 86, 195 U.S.P.Q. 753, 756-57 (C.C.P.A. 1977).

Fourth, Koniger teaches that the use of the protective sheet is to prevent unintended curing. The protective film (S) disclosed in claim 1 of the present application is not capable of preventing unintended curing.

The Supreme Court has recently reaffirmed the principle that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the art”. *KSR Int’l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). The Court further stated that “it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does”. *Id.* And the Court expressly encouraged the use of common sense in such analysis. *Id.* Furthermore, while the KSR decision may have eliminated any rigid requirement for application of the teaching-suggestion-motivation test (TSM test), it did not disturb the longstanding principle that “a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).”

The protective films of claim 1 have a transmittance of >70% of UV radiation and visible light with a wavelength of from 230 to 600 nm for a film thickness of 50 µm. The skilled person in the art will recognize that for a protective film to prevent curing of a radiation curable composition, an opaque protective sheet (S), or at least one with <70% of UV radiation and visible light able to penetrate the film will be required. If the film has >70% transmittance as required by the film of claims 1 and 22, enough UV and visible light will penetrate the film to cure the coating. In fact this is the case, as is shown by Applicants’ Example 1 (p. 21, l. 30 to p. 22, l. 6 of the application as filed):

The coated thermoplastic support sheet which had been coated with the protective sheet was preformed. Thereafter the film (B 2) was partly

cured with UV radiation through the protective sheet. As the positive mold a cube was used. The resulting preformed part was inserted into a mold. The mold was closed and the cube was injection molded with a liquid polymeric material. The resulting polymer molding was cooled and removed from the mold. Subsequently the part-cured film (B 2) was fully cured with UV radiation. Thereafter the protective sheet was removed.

Since Koniger teaches against the transparent (>70% transmittance) films of Applicants' claim 1 by requiring that the films are capable of preventing curing, claim 1 is not obvious over Koniger.

For all of the above reasons, claims 5, 8, and 14-16, which depend from, and incorporate all the limitations of claim 1, are not obvious over Koniger. Therefore reconsideration and removal of the obviousness rejection of the claims over Koniger is respectfully requested.

5. **Rejection of claims 9-11 under 35 U.S.C. §103(a) as being unpatentable over Koniger in view of Otaki et al. (U.S. Patent No. 6,509,076), hereafter "Otaki".**

Otaki generally discloses a pressure-sensitive adhesive for a pressure-sensitive adhesive layer in a volume hologram laminate which, when kept in the pressed state, for example, during storage, is less likely to cause spotty hologram defects in the volume hologram layer. The volume hologram laminate comprises a substrate, and stacked on the substrate in the following order, a first pressure-sensitive adhesive layer, a volume hologram layer, a second pressure-sensitive adhesive layer, and a surface protective film. The second pressure-sensitive adhesive layer comprises an acrylic copolymer resin, composed mainly of an alkyl acrylate and a crosslinking agent, and has a dynamic storage modulus of not less than  $2.5 \times 10^5$  Pa and a loss tangent ( $\tan \delta$ ) of not more than 0.15.

The Office alleges in §23 of the Office Action:

23. In claim 9, Koniger does not explicitly teach wherein the protective sheet (S) is constructed from a plurality of layers.

l. However, Otaki discloses wherein the protective sheet (S) is constructed from a plurality of layers. (See column 10 line 36 to column 11 line 30, disclosing example 1 which discloses that the protective film (part number 6 in figure 1) has multiple layers. More specifically the protective film has an adhesive layer and a release layer (antiblocking layer).)

m. Koniger and Otaki are analogous art because they solve the similar problem of protecting a laminate sheet from post processing harm by adding a protective sheet to the outer layer. At the time of invention, it would have been obvious to the applicant being one of ordinary skill in the art, having the teachings of Koniger and Otaki before him or her, to modify the teachings of Koniger to include the teachings of Otaki for the benefit of creating a protective layer that is capable of bonding to the outer layer of the laminate sheet any preventing any unwanted curing/damage on the outer surface. (See Column 1, lines 25-30—disclosing that the multi layer laminate (hologram) has many defects when they are stacked or pressed on top of one another during storage.) The motivation for doing so would have been to delay the defects by adding a protective layer that comes off prior to use. Therefore, it would have been obvious to combine Koniger and Otaki to make a polymer molding whose final product can be delayed until after the protective film was taken off because one would have been motivated to solve the problem of eliminating defects in the resultant product.

Applicants appreciate the detailed basis of rejection of claim 9, but must respectfully traverse. The Office appears to have interchanged the roles of the protective film and the adhesive layer in Otsaki. In Otsaki, it is not the protective film which eliminates the spotty hologram defects. In the “Background Art” section (col. 1, ll. 14-18), the prior art holograms laminates also have a “transparent protective film” (l. 19). Yet the prior art volume hologram

laminates still “pose a problem of the occurrence of spotty hologram defects” (col. 1, ll. 26-30). Therefore the presence of the protective layer does not eliminate the spotty hologram defects as alleged by the Office. In the “Disclosure of the Invention” section, Otsaki teaches that “it is an object of the present invention to provide a pressure-sensitive adhesive for a pressure-sensitive adhesive layer in a volume hologram laminate which . . . is less likely to cause spotty hologram defects in the volume hologram layer” (col 1, ll. 41-48). Thus the teaching of Otsaki is an adhesive of specific composition and elastic properties which solves the problem of spotty defects. There is no teaching or suggestion in Otsaki that a plurality of layers *per se* is sufficient to eliminate defects. The motivation of Otsaki is to modify the elastic properties of an adhesive layer, if present, rather than to provide the core protective sheet layer itself.

Regarding claims 10 and 11, the Office alleges that Otsaki discloses that the protective film has a core layer, an adhesive layer and a release layer, and the protective film comprises polyethylene and PET, and also again alleges that Otsaki provides motivation to use a protective layer in order to eliminate defects. As stated above, it is the teaching of Otsaki that an adhesive of specific composition and elastic properties which solves the problem of spotty defects, not the presence of a protective film.

Taken as a whole, it is respectfully submitted that Otsaki fails to provide the requisite motivation to combine Koniger and Otsaki, which is required for a *prima facie* case of obviousness for claims 9-11. In addition, claims 9-10 (directly) and claim 11 (indirectly) depend from claim 1, and incorporate all the limitations of claim 1, which is not obvious over Koniger as discussed above. Reconsideration and removal of the obviousness rejection of claims 9-11 is therefore respectfully requested.

## CONCLUSION

Applicant(s) respectfully submit that the Application and pending claims are patentable in view of the foregoing amendments and/or remarks. A Notice of Allowance is respectfully requested. As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

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